

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
Galveston Division

TEXAS DEPARTMENT OF CRIMINAL)
JUSTICE,)
)
 Plaintiff,)
)
)
 v.) Case No. 3:17-cv-00001
)
UNITED STATES FOOD AND DRUG)
ADMINISTRATION, *et al.*,)
)
 Defendants.)
)
)

**DEFENDANTS' CONSENT MOTION FOR AN EXTENSION
OF TIME TO FILE THE REDACTED ADMINISTRATIVE RECORD**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7 of the Court's local rules, defendants, the United States Food and Drug Administration, *et al.* (FDA), respectfully request that the Court grant a seven-day extension of time, to and including June 30, 2017, for us to file a public, redacted administrative record. The redacted record is currently due June 23, 2017. This is our first request to extend this deadline. Counsel for plaintiff, the Texas Department of Criminal Justice (Texas), has indicated that Texas consents to this request.

The extension we seek is necessary to ensure that the administrative record does not disclose any information certain entities other than Texas believe should be redacted. Under the scheduling order entered in this case, Texas has identified all information it believes should be redacted from the administrative record. However, further discussions between us and Texas revealed that Texas's redactions to the administrative record may not have addressed the concerns of the drug's supplier and broker, who have separately advised FDA of categories of information they consider confidential and private. The agency has determined that it needs

additional time to review the record for that information as well, and apply appropriate redactions.

For these reasons, we respectfully request that the Court grant the requested extension, and permit us to file a redacted administrative record on or before June 30, 2017.

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

JOSHUA I. WILKENFELD
Acting Director

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s/ Alexander V. Sverdlov
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June 23, 2017

Attorneys for Defendants

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[PROPOSED] ORDER

Upon consideration of the defendants' consent motion for an extension of time, and upon due deliberation, it is hereby

ORDERED that the motion is granted; and it is further

ORDERED that defendants shall submit a redacted version of the administrative record, as specified in the parties' May 18, 2017, stipulation, on or before June 30, 2017.

SO ORDERED

DATED: _____

HON. GEORGE C. HANKS, JR.
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 23rd day of June, 2017, a copy of the foregoing “DEFENDANTS’ CONSENT MOTION FOR AN EXTENSION OF TIME TO FILE THE REDACTED ADMINISTRATIVE RECORD” was filed electronically. This filing was served electronically to all parties by operation of the Court’s electronic filing system.

s/ Alexander V. Sverdlov